



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Richard A. SCHUMACHER et al.

Serial No. : 10/622,833

Group Art Unit: unknown

Filed : July 21, 2003

Examiner: unknown

For : PHOSPHODIESTERASE 4 INHIBITORS, INCLUDING N-SUBSTITUTED  
ANILINE AND DIPHENYLAMINE ANALOGS

**PETITION TO CONTEND OMITTED ITEMS**

Mail Stop Conversion  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

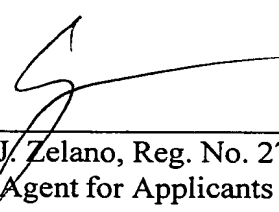
In response to the Notice to File Missing Parts of Nonprovisional Application dated June 21, 2004 (copy attached), applicants hereby petition that the omitted pages 51-74 of the specification (description and claims) was in fact deposited in the U.S. Patent and Trademark Office with the nonprovisional application papers on July 21, 2003. Attached is a copy of the date stamped postcard and transmittal letter, indicating the full number of pages deposited along with the petition fee of \$130, set forth in 37 C.F.R. § 1.17(h).

08/23/2004 NROCHA1 00000042 10622833

05 FC:1460

130.00 0P

Respectfully submitted,

  
\_\_\_\_\_  
Anthony J. Zelano, Reg. No. 27,969  
Attorney/Agent for Applicants

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Internet Address: 703-243-6410

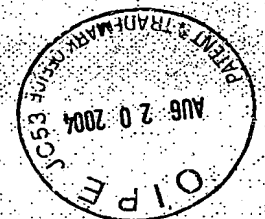
Attorney Docket No.: MEMORY-0028  
Date: August 20, 2004

AJZ:ssr

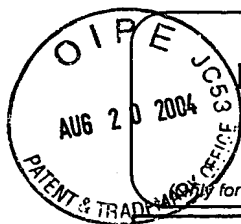
BEST AVAILABLE COPY

21 July 2003	DOCKET NO.	MEMORY 28
FILED		
APPLICANT(S) Richard A. SCHUMACHER et al. PARENT CASE		
THE PATENT AND TRADEMARK OFFICE STAMP HEREON ACKNOWLEDGES RECEIPT OF THE ABOVE-IDENTIFIED APPLICATION, INCLUDING THE FOLLOWING PAPERS		
<input type="checkbox"/> FEES \$ <u>          </u> Check No. <u>          </u>		
<input type="checkbox"/> RULE 53b CONTINUATION WITH <input type="checkbox"/> COPY OF ORIGINAL APPLICATION <input type="checkbox"/> COPY OF ORIGINAL DECLARATION <input type="checkbox"/> COPY OF ORIGINAL DRAWINGS (IF ANY)		
<input type="checkbox"/> RULE 53b DIVISIONAL WITH <input type="checkbox"/> COPY OF ORIGINAL APPLICATION <input type="checkbox"/> COPY OF ORIGINAL DECLARATION <input type="checkbox"/> COPY OF ORIGINAL DRAWINGS (IF ANY)		
<input type="checkbox"/> PROVISIONAL APPLICATION WITH <input type="checkbox"/> SPECIFICATION <input type="checkbox"/> DRAWING		
<input type="checkbox"/> TRADEMARK APPLICATION WITH <input type="checkbox"/> DRAWING <input type="checkbox"/> SPECIMENS		
<input type="checkbox"/> U.S. NAT'L PHASE OF INT'L APPL. NO. PCT/ <u>          </u>		
<input type="checkbox"/> OTHER <u>          </u>		
<input checked="" type="checkbox"/> NEW ORIGINAL APPLICATION INCLUDING 123 PGS. OF SPEC., 72 PGS. CLAIMS, PGS. ABSTRACT <input type="checkbox"/> SUBMISSION UNDER 37 CFR 1.53(F) <input type="checkbox"/> CONTINUATION-IN-PART <input type="checkbox"/> DESIGN APPLICATION <input type="checkbox"/> SHEETS OF DRAWINGS <input type="checkbox"/> FEET TRANSMITTAL <input type="checkbox"/> PRELIMINARY AMENDMENT <input type="checkbox"/> INFORMATION DISCLOSURE <input type="checkbox"/> PRIORITY DOCUMENT(S) <input type="checkbox"/> DECLARATION <input type="checkbox"/> ASSIGNMENT <input checked="" type="checkbox"/> APPLICATION DATA SHEET		
PTO RECEIPT STAMP O I P E JUL 21 2003 PATENT & TRADEMARK OFFICE		
FILED INCLUDING		
Initials: AIZub Date: 27 JULY 2003		

DKD 7/2/03 LR



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

UTILITY  
PATENT APPLICATION  
TRANSMITTAL

Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No. MEMORY 28

First Inventor Richard A. SCHUMACHER et al.

Title PHOSPHODIESTERASE 4 INHIBITORS, INCLUDING N-SUBSTITUTED ANILINE AND DIPHENYLAMINE ANALOGS

Express Mail Label No.

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☐ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (Total Pages )  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure
4. ☐ Drawing(s) (35 U.S.C. 113) (Total Sheets )
5. Oath or Declaration (Total Pages )  
a. ☐ Newly executed (original or copy)  
b. ☐ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)  
i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
a. ☐ Computer Readable Form (CRF)  
b. Specification Sequence Listing on:  
i. ☐ CD-ROM or CD-R (2 copies); or  
ii. ☐ paper  
c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney  
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

23599

PATENT TRADEMARK OFFICE

or ☐ Correspondence address below

Name

Address

City

State

Zip Code

Country

Telephone

Fax

Name (Print/Type)

Anthony J. Zelano

Registration No. (Attorney/Agent)

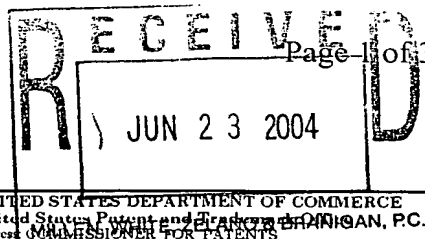
27,969

Signature

Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/622,833	07/21/2003	Richard A. Schumacher	MEMORY-28

23599  
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
2200 CLARENDON BLVD.  
SUITE 1400  
ARLINGTON, VA 22201

CONFIRMATION NO. 4785

## FORMALITIES LETTER



\*OC000000012996890\*

Date Mailed: 06/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/23/2004 NROCHA1 00000042 10622833

FILED UNDER 37 CFR 1.53(b)

01 FC:1001	770.00 OP
02 FC:1202	1674.00 OP
03 FC:1201	430.00 OP
04 FC:1051	130.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The following item(s) appear to have been **omitted** from the application:

- Page(s) **51-74** of the specification (description and claims).

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted item(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$2104** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

#### **SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$3004** for a Large Entity

- **\$770** Statutory basic filing fee.
- **\$130** Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$2104**
  - **\$430** for 5 independent claims over 3.
  - **\$1674** for 93 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*R. Wegger*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY